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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,878	08/31/2000	Theodore M. Taylor	4372US (99-1187)	3858
24247	7590	09/09/2005	EXAMINER	
TRASK BRITT			ELEY, TIMOTHY V	
P.O. BOX 2550			ART UNIT	PAPER NUMBER
SALT LAKE CITY, UT 84110			3724	

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/652,878

Applicant(s)

TAYLOR, THEODORE M.

Examiner

Timothy V. Eley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6,11-17,22,23,40-52 and 55-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,6,11-16,40-52 and 55-71 is/are allowed.
- 6) ☒ Claim(s) 17,22,23 and 72-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/20/05</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The 35 U.S.C. 112 rejection of claim 55 is hereby withdrawn in view of applicant's remarks.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 17 and 74 are rejected under 35 U.S.C. 102(a) as being anticipated by Crevasse et al(6,033,293), as applied in the rejection on page 3 of the office action mailed March 17, 2005.

4. Claims 17,22,23,72, and 73 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishi et al(5,704,827), as applied in the rejection beginning on page 3 of the office action mailed March 17, 2005.

Response to Arguments

5. Applicant's arguments filed June 20, 2005 have been fully considered but they are not persuasive.

- Applicant argues that Crevasse only applies a negative pressure to the backside layer 34 of a polishing pad.
 - o However, air that is drawn through vacuum hose 52 will also produce a negative pressure on the bottom portion of "subpad" 46.
- Applicant argues that the Office Action clearly indicates that "element 46 functions as a subpad", and that Crevasse, however, clearly explains that element 46 is the top plate, or surface, of

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the platen 40; and applicant requests that the Office apply the disclosure of Crevasse to the claims in a consistent manner.

- o Firstly, it should be noted that claim 17 does not positively recite a subpad, but the Crevasse et al device could be used to apply suction to a subpad upon which the polishing pad(30) may be supported thereby.
 - o Secondly, claim 74 positively recites a subpad and therefore, element 46 may function as a subpad, as broadly recited by applicant.
 - o Thirdly, it should be noted that since claims 17 and 74 are separate independent claims, a particular reference could be applied differently for each claim, so long as the recited structure of each claim is present in the reference.
- Applicant argues that Crevasse does not expressly or inherently describe that the backside layer 34 is configured to support the upper layer 32 without being secured thereto.
 - o It should be noted that since applicant does not positively recite the polishing pad in combination with the apparatus, the Crevasse apparatus meets all the recited structural limitations of the claims.
- Applicant argues that the top plate 46 could not support the polishing pad 30 without being secured thereto.
 - o This is not true. A subpad may be placed between the polishing pad(30) and the top plate 46, since applicant has

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not positively recited the polishing pad in combination with the apparatus.

- Applicant argues that Nishi does not expressly or inherently describe that the polishing cloth 3 thereof moves independently relative to the base member 2 of the cloth cartridge 1 thereof.
 - o However, it should be noted that since applicant does not positively recite the polishing pad in combination with the apparatus, the Nishi apparatus meets all the recited structural limitations of the claims.

Allowable Subject Matter

6. Claims 1,2,6,11-16,40-52, and 55-71 are allowed.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

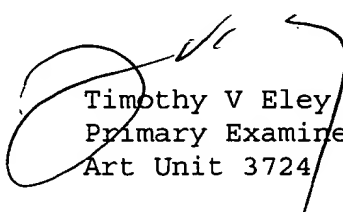
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy V. Eley whose telephone number is 571-272-4506. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy V Eley
Primary Examiner
Art Unit 3724

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